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AUG 12 2010

In re Application of : OFFICE OF PETITIONS
Klaus Russke :
Application No. 10/531,678 : DECISION ON PETITION
Filed: December 1, 2005 :
Attorney Docket No.: BU 12PCT :

This is a decision in response to the petition, filed November 23, 2009, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

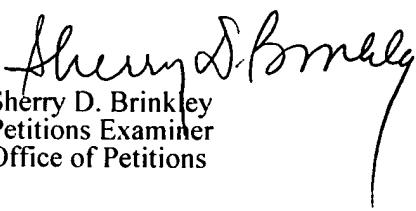
This application was held abandoned for a failure to reply in a timely manner to a non-final Office action mailed March 14, 2007. A Notice of Abandonment was mailed on September 20, 2007. On November 23, 2009, the present petition was filed. Petitioner asserts that the abandonment should be withdrawn, since “[a]n amendment in response to the Office Action dated March 14, 2007 was filed with a mailing certificate dated September 12, 2007.”

A review of the application file confirms receipt of a response to the March 14, 2007, Office action, as it is present among the papers contained in the file. It is noted that the response, including a 3-month petition for extension of time, was filed on September 17, 2007, using a Certificate of Mailing under 37 CFR 1.8 dated September 12, 2007. Accordingly, the response is considered timely.

In view of the above, the Notice of Abandonment mailed September 20, 2007 is hereby vacated and the holding of abandonment is withdrawn.

The application is being referred to Technology Center AU 3612 for appropriate action by the Examiner in the normal course of business on the reply received September 17, 2007.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding further prosecution of this application should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions